

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DIMITRI ROBERT,

*Petitioner,*

– against –

BENNIE THORPE,

*Superintendent of Marcy Correctional Facility,*

*Respondent.*

**ORDER TO SHOW CAUSE**

25-cv-01305 (NCM)

**NATASHA C. MERLE**, United States District Judge:

Upon the petition of Dimitri Robert, *pro se*, for an issuance of a writ of habeas corpus pursuant to 28 U.S.C. § 2254, filed February 3, 2025, a copy of which is attached:

1. The District Attorney of Suffolk County, as attorney for the respondent, is directed to show cause on or before May 16, 2025, as to why a writ of habeas corpus should not be issued by filing a return to the petition; and shall serve a copy of the return and any referenced or otherwise supporting documents on the petitioner and electronically file the original thereof, with proof of such service, with the Clerk of this Court. A hard courtesy copy of the return must be provided to chambers.
2. The Court may deny “an application for a writ of habeas corpus . . . on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.” 28 U.S.C. § 2254(b)(2). Accordingly, the respondent is directed to address the merits of the petition in the return, in addition to any procedural arguments.

3. The respondent shall also electronically file the state court record, with no individual attachment to the entry exceeding five megabytes, on or before May 16, 2025. Additionally, the respondent is directed to supply a hard copy ***directly*** to chambers, NOT to the Clerk's Office, which must be clearly marked "Courtesy Copy, original filed via ECF, docket number 25-cv-01305."
4. The respondent shall submit copies of petitioner's and respondent's briefs on appeal, or in connection with proceedings pursuant to C.P.L. 440 at the time of filing the return to the petition.
5. The petitioner is not required to file a reply. However, should petitioner want to do so, he or she shall file his or her reply, with proof of service, with the Clerk of this Court on or before June 6, 2025.

Service of this Order to Show Cause shall be made by the Clerk of this Court by forwarding a copy of this Order, together with a copy of the petition, to the District Attorney for Suffolk County and by mailing a copy of this Order to the petitioner. Both parties are reminded that hard courtesy copies of all filings, including the state court record, must be submitted to chambers.

**SO ORDERED.**

/s/ Natasha C. Merle  
NATASHA C. MERLE  
United States District Judge

Dated: March 17, 2025  
Brooklyn, New York